

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHARLES WAYNE POU)	Case No. 1:19-cv-346 Erie
Petitioner,)	
)	Magistrate Judge Richard A. Lanzillo
v.)	
)	
SUPERINTENDENT SCI FOREST, et al.,)	
Respondents.)	

**RESPONDENTS' REQUEST TO STAY EXECUTION OF WRIT DUE TO
PETITIONER'S REQUEST TO CONTINUE THE CASE**

AND NOW, this 9th day of May, 2022, comes Respondent- District Attorney of Erie County by and through Assistant District Attorney Gregory M. Reichart, and files this Request, averring as follows:

1. By way of a Memorandum Opinion on November 29, 2021, this Honorable Court issued a conditional writ of habeas corpus at the matter captioned above and docketed at the Erie County Pennsylvania Court of Common Pleas at CP-25-CR-00002742-2013.
2. Upon receipt of this Memorandum Opinion, Respondent scheduled a *pro se* colloquy with Petitioner with the assigned Common Pleas judge (Judge John J. Mead), which was conducted on March 4, 2022, to be held via teleconference in accordance with Erie County procedures to mitigate the spread of COVID-19.¹
3. At the colloquy, Petitioner requested an attorney be appointed to him in this matter, so Attorney Bruce G. Sandmeyer, Esquire, was appointed that same date.

¹ It is believed and thus averred that this date was the second such scheduling for the colloquy, with the original date of February 18, 2022 being rescheduled by the court.

4. Subsequent to that appointment of counsel, discovery has been provided to Attorney Sandmeyer, and the case was slotted for the May 2022 trial term in the Erie County Court of Common Pleas
5. On May 5, 2022, as a result of needing more time to prepare for trial and review discovery, Attorney Sandmeyer asked for a continuance from the May 2022 trial term, which was granted by Judge Mead.
6. Respondent, in its capacity as representative of the Commonwealth of Pennsylvania, thus now seeks a stay from this Honorable Court for the execution of the writ from November of 2021.
7. This request is made without any wish to delay proceedings, but rather to accommodate Petitioner's counsel to be adequately prepared for trial, which is always prudent but especially so given the posture of this case.
8. It is averred that this case should be resolved by plea or trial by July 31, 2022.
9. Counsel for the Petitioner, by way of his request for a continuance, consents to the staying of this writ.

WHEREFORE, Respondent respectfully requests this Honorable Court enter the proposed Order provided and stay the execution of the writ to a date no earlier than July 31, 2022.

Respectfully submitted,

/s/ Gregory M. Reichart
Assistant District Attorney
140 West Sixth Street, Room 506
Erie, PA 16501
(814) 451-6483
greichart@eriecountypa.gov
PA ID No. 311692
Counsel for Respondent District Attorney of
Erie County

Date: May 9, 2022.

CERTIFICATE OF SERVICE

On this day, I hereby certify that a true and accurate copy of the Respondent's Entry of Appearance is being served upon the Petitioner in the manner described below which satisfies the requirements of F.R.C.P. 5:

**CHARLES WAYNE POU
C/O BRUCE G. SANDMEYER, ESQUIRE
1001 STATE STREET
SUITE 1400
ERIE, PA 16501**

Respectfully submitted,

/s/ Gregory M. Reichart
Assistant District Attorney
140 West Sixth Street, Room 506
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(814) 451-6483
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PA ID No. 311692
Counsel for Respondent District Attorney of
Erie County

Date: May 9, 2022.